

21 C.J.S. Courts § 304

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Courts

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VIII. Concurrent and Conflicting Jurisdiction

C. Courts of Different States or Countries

§ 304. Courts of different states or countries, generally; comity

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  510 to 513, 517.5

Generally, no nation or state court has authority beyond its own borders, but under principles of comity, the courts of one state may defer to the assertion of jurisdiction by courts of other states or sovereigns.

Without an explicit grant of authority, no state court has authority beyond its own borders, each state being sovereign as to its own territory and those residing therein.¹ Thus, a statute or rule of one state granting the courts of that state exclusive jurisdiction over certain controversies is not effective to divest another state's courts of jurisdiction over such controversies.²

Under principles of comity, however, the courts of one state may give effect to the laws³ and judgments⁴ of another state and defer to the assertion of jurisdiction by courts of other states or sovereigns.⁵ This is done out of mutual respect⁶ and for the purpose of furthering the orderly

administration of justice.⁷ The presumption that the states intend to adopt policies of broad comity toward one another applies equally to the District of Columbia.⁸

The doctrine of comity is neither a matter of absolute obligation nor of mere courtesy and good will but is the recognition which one state allows, within its territory, to the judicial acts of another, having due regard to duty and convenience and to the rights of its own citizens.⁹ Although comity is important as a guiding principle in the relationship between sovereigns and as a tool of judicial economy, it will not be given effect when to do so would prejudice a state's own rights or the rights of its citizens.¹⁰

Doctrine of dominant jurisdiction.

The doctrine of dominant jurisdiction, under which a later-filed action should be abated in favor of a prior-file action pending in another court, does not apply to suits pending in other states.¹¹

Certification.

Under the Uniform Certification of Questions of Law Act which has been adopted in some states,¹² a state appellate court may answer a question of law certified to it by an appellate court of another state if the answer may be determinative of an issue in pending litigation in the certifying court.¹³ The purpose of the Act is to assist the certifying court with its decision-making, but the Act does not authorize a court in one state advise a court in another state on a federal law issue when both courts have equal authority and equal obligations to interpret and apply federal law.¹⁴

International comity.

No nation can demand that its laws have effect beyond the limits of its sovereignty; rather, only comity can compel courts to act in a manner designed to advance the rule of law among and between nations.¹⁵

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Footnotes

1 Colo.—*People v. Arellano-Avila*, 20 P.3d 1191 (Colo. 2001).

2 N.Y.—*Sachs v. Adeli*, 26 A.D.3d 52, 804 N.Y.S.2d 731 (1st Dep't 2005).

- 3 Ark.—Three Sisters Petroleum, Inc. v. Langley, 348 Ark. 167, 72 S.W.3d 95 (2002).
Haw.—Metcalf v. Voluntary Employees' Ben. Ass'n of Hawaii, 99 Haw. 53, 52 P.3d 823 (2002).
Wash.—In re Estate of Toland, 180 Wash. 2d 836, 329 P.3d 878 (2014).
- 4 Ark.—Three Sisters Petroleum, Inc. v. Langley, 348 Ark. 167, 72 S.W.3d 95 (2002).
Utah—Trillium USA, Inc. v. Board of County Com'rs of Broward County, Florida, 2001 UT 101, 37 P.3d 1093 (Utah 2001).
Wis.—Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians, 2000 WI 79, 236 Wis. 2d 384, 612 N.W.2d 709 (2000).
- 5 Wis.—Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians, 2000 WI 79, 236 Wis. 2d 384, 612 N.W.2d 709 (2000).
- 6 Haw.—Chun v. Board of Trustees of Employees' Retirement System of State of Hawaii, 92 Haw. 432, 992 P.2d 127 (2000).
Wis.—Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians, 2000 WI 79, 236 Wis. 2d 384, 612 N.W.2d 709 (2000).
Spirit of cooperation
Comity refers to the spirit of cooperation in which a domestic tribunal approaches the resolution of cases touching the laws and interests of other sovereign states.
N.M.—Sam v. Sam, 2006-NMSC-022, 139 N.M. 474, 134 P.3d 761 (2006).
- 7 Wis.—Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians, 2000 WI 79, 236 Wis. 2d 384, 612 N.W.2d 709 (2000).
- 8 D.C.—Solomon v. Supreme Court of Florida, 816 A.2d 788 (D.C. 2002).
- 9 Wis.—In re Guardianship of Jane E.P., 2005 WI 106, 283 Wis. 2d 258, 700 N.W.2d 863 (2005).
Highly fact specific
Comity is discretionary and highly fact specific.
Wis.—Teague v. Bad River Band of Lake Superior Tribe of Chippewa Indians, 2003 WI 118, 265 Wis. 2d 64, 665 N.W.2d 899 (2003).
- 10 Va.—America Online, Inc. v. Nam Tai Electronics, Inc., 264 Va. 583, 571 S.E.2d 128 (2002).
- 11 Tex.—Ashton Grove L.C. v. Jackson Walker L.L.P., 366 S.W.3d 790 (Tex. App. Dallas 2012).
- 12 Md.—Piselli v. 75th Street Medical, 371 Md. 188, 808 A.2d 508 (2002).
Okla.—Scottsdale Ins. Co. v. Tolliver, 2005 OK 93, 127 P.3d 611 (Okla. 2005).
- 13 Md.—Piselli v. 75th Street Medical, 371 Md. 188, 808 A.2d 508 (2002).
- 14 Md.—Piselli v. 75th Street Medical, 371 Md. 188, 808 A.2d 508 (2002).
- 15 Tex.—Gannon v. Payne, 706 S.W.2d 304 (Tex. 1986).

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